THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13819 of 2007

Dated: 02-07-2007

Between:

E. Adinarayana.

..... PETITIONER

AND

The Joint Collector, Anantapur District, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13819 of 2007

ORDER:

Land admeasuring Acs.5.50 in survey No.299-2 situated at Yerragunta Village, Rapthadu Mandal, Anantapur District, was assigned to one K.Narayanappa. By proceedings dated 28.12.2003, the Mandal Revenue Officer(MRO), Rapthadu, resumed the land for contravention of the conditions of assignment. The petitioner then occupied the land and brought the same into cultivation. On 16.01.2004, MRO passed proceedings assigning the land to the petitioner. The petitioner also obtained pattadar passbook. It appears that one Smt.A.Gangamma questioned the assignment made in favour of the petitioner. She claimed to be the daughter of the original assignee-K.Narayanappa. Second respondent passed orders on 21.04.2007 allowing the appeal made by Gangamma. Aggrieved by the same, the petitioner preferred a revision petition before first respondent along with an application for suspension of the order passed by second respondent. Alleging that no orders are passed thereon, the petitioner filed instant writ petition seeking a direction to first respondent to pass orders on the stay application filed by him.

There is no dispute that second respondent allowed the appeal filed by Gangamma, daughter of the original assignee-K.Narayanappa. Curiously she is not made a party to this writ petition. Secondly when the petitioner has availed the remedy as per para 18 of BSO 15 of the Andhra Pradesh Board of Revenue Standing Orders, he could not maintain a writ petition simultaneously. He can approach first respondent for expeditious disposal of the stay petition and/or main revision itself.

The learned counsel for the petitioner tried to make submissions on the merits of the case. As the revision is pending before first respondent, this Court is not inclined to go into the merits of the case. This Court, however, observes that first respondent should pass orders on the stay petition immediately after receiving a copy of this order. Liberty is given to the petitioner to approach first respondent for stay by presenting a copy of this order.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

02nd July, 2007

Note: Issue CC by 03.07.2007.

B/o

ghn